

### REMARKS

The office action of June 2, 2006 has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 58-63 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,375,785 to Boone et al. (Boone) in view of U.S. Patent No. 4,690,344 to Yokota (Yokota). Applicants respectfully traverse these rejections.

The Office Action states that it would have been obvious "to have modified the device of Boone et al. by providing the control means and the motor as taught by Yokota in order to obtain [a] device that detects automatically absence of the product." The Office Action is silent on, and it is entirely unclear, how such a modification of Boone's mechanical sensing and transfer mechanism would be carried out, nor do the references provide any motivation to undertake such a modification. Moreover, such a combination would not produce the claimed inventive dispenser.

The present invention as recited in independent claim 58 pertains to a dispenser that affords advantages through use of a transfer mechanism that includes a transfer link and an actuator that is electrically activated to drive the transfer link to a position that permits the transfer member to move toward the feed nip (to move a leading segment of sheet material into the nip). As discussed in the specification at paragraph 17, co-pending commonly assigned application Serial No. 09/604,811 describes an electric motor powered transfer mechanism that provides several advantages over the prior art. In particular, as compared to purely mechanical mechanisms (such as taught by Boone), a motor-driven transfer mechanism facilitates electrical activation of a transfer operation upon detection of an absence of sheet material within the drive mechanism to thereby increase reliability and avoid simultaneous dispensing from two rolls. The present invention of claim 58 can provide many of the same advantages. At the same time, the utilization of a transfer link and an electrically activated actuator that moves the transfer link can require less motor power (and hence electrical energy) as compared with a motor driven transfer mechanism having a motor that drives the transfer member.

Exemplary embodiments of the claimed invention are shown in Figures 16A-16E and discussed in paragraphs 112-116 of the application. As shown in Figure 16A, pivotally mounted transfer bar 200 is braced against the inside front surface of closed cover 13' and biased rearward

by spring 201 toward feed nip 37'. Transfer link 205 holds transfer bar 200 in a set position away from feed nip 37'. Transfer link 205 is biased by spring 207 into a position for holding transfer bar 200 in the set position. As such, the transfer mechanism is set to operate under potential energy stored in spring 201 to mechanically feed a web sheet in the feed nip. Transfer motor 199 enables release of the potential energy by rotating transfer link 205 against the pull of spring 207 to free transfer bar 200 so that it can rotate under the bias of spring 201 toward feed nip 37'. Thus, motor 199 actuates the transfer mechanism, which operates under potential energy stored in spring 201, to mechanically feed a web sheet into the feed nip.

In contrast to the actuator of claim 58, which is electrically activated for driving a transfer link to a release position, Boone discloses a purely mechanical transfer mechanism that relies on feed rollers to interlock in the absence of web material to operate the transfer mechanism. Abstract. The Boone transfer mechanism lacks the transfer link and actuator for driving the transfer link as recited in independent claim 58.

The Boone transfer mechanism includes a transfer bar 74 that is biased towards feed nip 64 by spring 76. Fig. 3. The Boone "transfer bar includes an angled side portion 78 which is disposed against end 31 of roller 24." Col. 5, lines 35-36. When the primary web P is depleted the rollers intermesh and move closer together. Similar to a cam follower, the angled side portion of the transfer bar moves with intermeshed feed roller 24 to rotate a portion of the transfer bar into engagement with the feed nip. *Id.* at lines 57-67.

The Boone angled side portion is not a movable transfer link that retains the transfer bar away from the feed nip as recited in independent claim 58. It is a portion of the transfer bar. Nor is it a movable transfer link that permits the transfer member to move toward the feed nip. Again, it is a portion of the transfer bar that it moves with the remainder of the transfer bar toward the feed nip. Boone clearly lacks the recited transfer link of independent claim 58 that is movable between a first position in which the transfer link retains the transfer bar away from the feed nip, against a bias, and a release position in which the transfer link permits the transfer member to move toward the feed nip under bias and into contact with the leading segment of sheet material.

Further, the Boone actuator is merely a pair of interlockable feed rollers that are biased toward each other, rather than an actuator *for driving* the transfer link as recited in independent

claim 58. The Boone interlockable feed rollers fail to *drive* any portion of the transfer mechanism. If anything, the Boone actuator is for driving only a single feed roller instead of a transfer link. Clearly, Boone fails to teach or suggest “an actuator for driving said transfer link ...” as recited in independent claim 58.

For at least these reasons, Applicants respectfully submit that independent claim 58 and claims 59-62 depending therefrom are allowable over Boone, either alone or in view of Yokota.

The Office Action suggests combining Boone with the control means and motor of Yokota. However, Yokota provides no teaching whatsoever regarding a transfer member used to initiate feed from a new roll, and no suggestion of how a motor and control means could be advantageously implemented in such a roll feed transfer system.

Further, Boone does not provide any indication that it would be desirable to implement a motor and electrical control means in its transfer system and it is entirely unclear how these would even be accomplished. The proposed modification of Boone’s device to provide the control means and motor of Yokota amounts to an impermissible attempted hindsight reconstruction of the claimed invention. As has been noted, it is unclear how such a combination could be accomplished, much less be obvious to one of ordinary skill in the art. At best, the combination would seemingly destroy or render superfluous the disclosed function and structure of Boone’s elaborate mechanical system including its disclosed advantages of fewer components, greater economy and lower weight than prior art systems having electrical components. Col. 5, lines 48-53.

Moreover, a combination of Boone and Yokota as proposed would not result in the claimed invention. Presumably, such a hypothetical device would drive, with a motor, the transfer bar of Boone via the control system of Yokota. Such a hypothetical device also would presumably include the mechanical detection system of Boone, which detects absence of web material. In contrast, the inventive dispenser of claim 58 provides electrical activation of an actuator that drives a transfer link (rather than a transfer bar).

For these additional reasons, Applicants respectfully submit that independent claim 58 and claims 59-61 depending therefrom are allowable over Boone in view of Yokota.

Application. No.: 10/092,350  
Reply to Office Action of June 2, 2006  
and Response to Notice of Non-Compliant Amendment of November 3, 2006

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: March 5, 2007

By:

  
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Anthony W. Kandare, reg. no. 48,830

BANNER & WITCOFF, LTD.  
1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
(202) 824-3000